

CHAPTER 27 - TRAFFIC ORDINANCE

Section 27-100. APPLICATION. Except where clearly inapplicable, all provisions of this ordinance shall apply to the use of motor vehicles and other conveyances upon the highways, streets, alleys, sidewalks and walkways, parking lots, private roads and driveways, and other private lands located within the City.

Section 27-101. PENALTY. Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than ninety (90) days or both, together with the costs of prosecution.

Section 27-102. HIGHWAY REGULATION ACT ADOPTED. The regulatory provisions of Chapter 169, Minnesota Statutes as amended by Laws of 1976, are hereby adopted by reference as a traffic ordinance regulating the use of highways, streets, alleys and other land within the City of Brooklyn Center and are hereby incorporated in and made a part of this ordinance as though fully set forth.

Section 27-103. DRIVER'S LICENSE REQUIREMENTS. The regulatory provisions of Chapter 171, Minnesota Statutes as amended by Laws of 1976, are hereby adopted by reference and are hereby incorporated in and made a part of this ordinance as though fully set forth.

Section 27-104. OBSTRUCTION OF OR DAMAGE TO HIGHWAYS, STREETS, AND ALLEYS. The regulatory provisions of Chapter 160, Minnesota Statutes, Section 160.27 (5) as amended by Laws of 1976, relating to the obstruction of or damage to highways is hereby adopted by reference and shall have the same force and effect as though fully set out herein. The terms of this section shall apply to all highways, streets, and alleys within the City of Brooklyn Center. All violations hereof shall be prosecuted by the city attorney for the City of Brooklyn Center.

Section 27-110. BACKING A MOTOR VEHICLE. No person shall back a motor vehicle unless and until such movement can be made with reasonable safety, and then only after giving a clearly audible warning by sounding the horn if any pedestrian or vehicle may be affected by such movement. No person shall back any motor vehicle into a street intersection or highway intersection.

Section 27-111. DRIVING ON PRIVATE PROPERTY AT CORNERS. No person shall drive a motor vehicle upon or across the private property of another, including automobile service stations at a corner formed by the intersection of two streets unless requested or authorized to do so by the owner thereof. Entering upon the property of an automobile service station for the purpose of purchasing gas, oil, or for other purposes normally incident to the operation of an automobile service station shall be presumed to be authorized by the owner thereof.

Section 27-112. DRIVING ON SIDEWALKS AND ROADSIDE AREAS. Other than to directly cross for access to abutting property, and other than for authorized maintenance purposes, no person shall drive a motor vehicle upon a public sidewalk or upon the nonroadway area of any public street right of way.

Section 27-113. ALLEY SPEED LIMIT. No person shall operate a motor vehicle or other conveyance in excess of 15 miles per hour on any alley within the City of Brooklyn Center.

Section 27-114. UNREASONABLE ACCELERATION. No person shall accelerate a motor vehicle so rapidly and abruptly that a tire or tires break traction with the street surface causing a squealing sound or the dislodging of sand, gravel, or other objects by the tires when the peace or safety of any pedestrian, driver, or other person is disturbed or threatened thereby.

Section 27-120. PARKING RESTRICTED AND PROHIBITED.

1. No person in charge of any vehicle shall park or permit such vehicle to stand upon the roadway of any highway or street in the City of Brooklyn Center between the hours of 2 a.m. and 6 a.m., nor for more than six consecutive hours at any other time. No person in charge of any vehicle shall park or permit such vehicle to stand upon any alley in the City of Brooklyn Center at any time.
2. Snow Emergency. After a snowfall of at least 2.5 inches in the City, parking is prohibited on any public street or alley until and after that particular street or alley has been plowed and the snow removed to the curb line. It is unlawful to deposit snow or ice, plowed or removed from private property, onto the traveled portion of a street, alley or public way. Vehicles parked in violation of this section may be removed in accordance with Section 27-121.
3. No person in charge of any vehicle shall park or permit such vehicle to stand upon any street, highway, parking lot or other area within the City of Brooklyn Center in violation of posted parking restrictions or traffic control devices.
4. No person in charge of any vehicle shall park or permit such vehicles or any part thereof, to stand upon a public sidewalk or upon the nonroadway area of any public street right of way.
5. The City Manager is authorized to establish and post parking restrictions for parking lots and other property owned by the City or its Economic Development Authority. Anyone parking a vehicle in violation of the posted restrictions is a violation of this code and the vehicle is subject to removal as provided in Section 27-121.
6. The Chief of Police or his/her designee may allow short-term exceptions to the above stated parking restrictions under certain circumstances if requests for such exceptions are submitted to the Police Department at least two hours prior to the time period for which the exception is requested, and if he/she determines that the granting of such exceptions will not create problems affecting the health and safety of the citizens or unduly affect traffic movements or street maintenance operations.

Specific examples of events for which exceptions may be granted if all conditions are met include but are not limited to: a.) family gatherings for special events such as weddings, graduations, anniversaries, and funerals in residential areas. b.) civic events such as community celebrations and parades. c.) reconstruction or resurfacing of driveways. d.) out of state visitors with large R.V.'s.

Section 27-121. REMOVAL OF ILLEGALLY PARKED VEHICLES. Any vehicle parked in violation of the ordinance of the City or in violation of any State law may be removed by towing at the direction of the City police to a suitable place for storage until claimed by the owner or his agent, and the owner or other person responsible for such parking of the vehicle shall be liable for the reasonable cost of such towing and storage.

Section 27-122. UNATTENDED MOTOR VEHICLE. No person driving or being in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key therefrom, and removing the key from the motor vehicle.

Section 27-130. THROWING OF MISSILES PROHIBITED. No person shall drop or throw any missile or object at, on, or against any motor vehicle while such motor vehicle is in motion.

Section 27-131. UNAUTHORIZED USE OF LEASED MOTOR VEHICLES.

1. A person having executed an agreement in writing for the hire or use of a motor vehicle who with intent to defraud or deprive the owner of the use or benefit thereof, fails or refuses to return to the place agreed upon such vehicle within 72 hours after written demand for the return thereof is made in the manner provided by subdivision 2 of this section is guilty of a misdemeanor at the place the agreement for rental was made.
2. Written demand for the return of such vehicle may be served personally in the manner provided for service of process in a civil action or by certified mail at any time after the expiration of the time set forth in the agreement for the return thereof. Service by certified mail shall be deemed to be complete upon deposit in the United States mail of such demand securely wrapped, postpaid and addressed to such person at the address for such person set forth in the written agreement for the hire or use thereof, or in the absence of such address to such person's last known place of residence.

Section 27-132. UNAUTHORIZED TAMPERING AND RIDING PROHIBITED. No person shall, without permission of the owner or his agent, tamper with or enter a motor vehicle or ride in a motor vehicle knowing it was taken as being driven by another without the owner's permission.

ON-STREET SOLICITING AND VENDING BY CATERING FOOD VEHICLES

Section 27-200. DEFINITIONS. The following terms, when used in this ordinance, have the meanings ascribed to them:

1. Catering Food Vehicle. Catering food vehicle shall mean any food vehicle used to transport any

food from its point of preparation to a point where the food is served from the vehicle to the consumer, or any food vehicle wherein food is prepared for sale or service to the consumer.

2. Food. Food shall mean any raw, cooked, or processed substance, beverage, water, ice, or other ingredient used or intended for use in whole or in part for human consumption.
3. Food Establishment. Food Establishment shall mean any building, room, stand, enclosure, vehicle, space, area, or other place where food is stored, prepared, manufactured, processed, wrapped, canned, packed, bottled, transported, distributed, sold, or offered for sale or served in any way with or without charge, except private homes.
4. Food Vehicle. Food Vehicle shall mean any food establishment consisting of a mobile vehicle which hauls any food for the purpose of delivery or sale.

Section 27-201. APPLICATION. No owner or operator of any catering food vehicle which is used for on-street soliciting for the sale of or vending of confections or other goods directly from such vehicle shall engage in the activity of on-street soliciting, dispensing, or vending unless the provisions of this ordinance are met and such catering food vehicle complies with the requirements as set forth by the Minnesota Department of Agriculture. This ordinance shall not apply to persons using vehicles for the delivery of goods or services directly to homes or establishments where the goods are taken by the operator of the vehicle onto private property for delivery, nor shall it apply to the operation of any political subdivision or unit of government.

Section 27-202. HOURS AND ROUTES. No person operating under the provisions of this ordinance shall carry on the activity of on-street soliciting or vending operations except between the hours of 1 p.m. through 9:30 p.m. A vendor shall follow such routes as will minimize the hazard to the persons who may be customers of such vehicles and which will minimize traffic difficulties which may arise out of such operations.

Section 27-203. INSURANCE AND SAFETY REQUIREMENTS. Every owner or operator shall maintain insurance as follows:

1. Automobile Liability - Limits of Liability:
 - a. Combined Single Limits - \$500,000 each occurrence; or
 - b. Bodily Injury Liability - \$100,000 each person, \$500,000 each occurrence; and
 - c. Property Damage Liability - \$100,000 each occurrence.
2. Commercial General Liability Covering Operations and Products Liability -Limits of Liability:
 - a. Combined Single Limits - \$100,000 each occurrence, \$500,000 aggregate; or
 - b. Bodily Injury Liability - \$100,000 each person, \$500,000 aggregate; and

c. Property Damage Liability - \$50,000 each occurrence.

3. Workers' Compensation Coverage

a. Statutory coverage to comply with section 1776.182 of the Minnesota Statutes.

Coverage shall be provided by an Insurance Carrier who holds a Certificate of Authorization (licensed) with the State of Minnesota.

Evidence of such insurance will be in the form of a Certificate of Insurance, industry standard ACORD form, or similar type form approved by the City. The Certificate shall state that coverage cannot be canceled mid term or not renewed without thirty (30) days prior written notice to the City, any phraseology limiting this requirement shall be stricken.

Catering food vehicles must be parked at the street curb while engaging in vending operations and vending shall be done only from the curb side of the vehicle. Each catering food vehicle must be equipped with flashing lights on both front and rear of the vehicle, clearly visible to oncoming automobiles in full daylight. No owner or operator of any catering food vehicle shall call attention to his business or to his goods, wares, or merchandise, by crying them out, by blowing a horn, or by any loud or unusual noise. Every catering food vehicle while carrying on a vending operation shall be attended by at least two adult persons, one of whom shall have the following specific duties: For the full period during which such catering food vehicle is stopped for vending or stopped in such a manner or place as to reasonably cause others to believe that it is proposing to engage in vending operations, said person shall stand alongside said catering food vehicle in such a manner as to be able to observe traffic coming from all directions and to observe children crossing the street in the immediate vicinity of said catering food vehicle. Such person shall give adequate warning to oncoming vehicles and to children so as to avoid accident or injury to said children.

Section 27-204. PENALTIES. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000) and imprisonment for not more than ninety (90) days, or both, together with the costs of prosecution.

SNOWMOBILES

Section 27-901. DEFINITIONS.

For the purposes of this ordinance the terms used herein shall have the following meanings ascribed to them:

Person - includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.

Snowmobile - means a self-propelled vehicle designed for travel on snow or ice or natural terrain steered by wheels, skis or runners.

Owner - means a persons, other than a lien holder, having the property in or title to snowmobile entitled to the use or possession thereof.

Operate - means to ride in or on and control the operation of a snowmobile.

Operator - means every person who operates or is in actual physical control of a snowmobile.

Roadway - means that portion of a highway improved, designed, or ordinarily used for vehicular travel, including the shoulder.

Street or highway - means the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter or right, for the purposes of vehicular traffic.

Section 27-902. OPERATION ON STREETS AND HIGHWAYS.

1. No person shall operate a snowmobile upon a municipal street. No person shall operate a snowmobile upon the roadway, shoulder or inside bank or slope of any state trunk, county state aid, or county highway in this City and, in the case of a divided state trunk or county highway, on the right of way between the opposing lanes of traffic, except as provided in this ordinance; nor shall operation on any such highway be permitted where the roadway directly abuts a public sidewalk or property used for private purposes. No person shall operate a snowmobile along the right of way of any state trunk, county state aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of such right of way and in the same direction as the highway traffic on the nearest lane of the roadway adjacent thereto. No snowmobile shall be operated at any time within the right of way of any interstate highway or freeway within the City.
2. A snowmobile may make a direct crossing of a street or highway, except at an interstate highway or freeway, provided:
 - a. The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.
 - b. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

- c. The driver yields the right of way to all oncoming traffic which constitutes an immediate hazard.
 - d. In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway.
 - e. If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, both front and rear lights shall be on.
3. Notwithstanding any prohibition in this ordinance, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.

Section 27-903. UNLAWFUL OPERATION. Except as otherwise specifically permitted and authorized, it is unlawful for any person to operate a snowmobile within the limits of the City of Brooklyn Center:

- 1. After having received a visual or audible signal from any law enforcement officer to come to a stop, to:
 - a. operate a snowmobile in willful or wanton disregard of such signal, or
 - b. interfere with or endanger the law enforcement officer or any other person or vehicle, or
 - c. increase speed or attempt to flee or elude the officer.
- 2. On a public sidewalk or walkway provided or used for pedestrian travel or along a street boulevard.
- 3. On private property of another without lawful authority or consent of the owner or occupant.
- 4. On any publicly owned lands and frozen waters, including but not limited to school grounds, park property, playgrounds, recreation areas and golf courses, except areas previously listed or authorized for such use by the proper public authority. Authorized areas in the City of Brooklyn Center owned by the City shall be designated by council resolution.
- 5. At any place while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

6. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
7. At a speed greater than 10 miles an hour when within 100 feet of any lakeshore, except in channels, or of fishermen, ice houses, or skating rinks.
8. At any place in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
9. So as to tow any person or thing on a highway except through use of rigid tow bar attached to the rear of the snowmobile.
10. In a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys or interferes with the peace and quiet of other persons.
11. During the hours from 11 p.m. to 7 a.m. of any day except that it shall not be unlawful to operate a snowmobile until midnight on Friday and Saturday.

Section 27-904. EQUIPMENT. It is unlawful for any person to operate a snowmobile any place within the limits of the City of Brooklyn Center unless it is equipped with the following:

1. Standard mufflers which are properly attached and in constant operation, and which reduce the noise of operation of the motor to the minimum necessary for operation. Mufflers shall comply with Regulation NR57 which is hereby adopted by reference. No person shall use a muffler cutout, bypass, straight pipe or similar device on a snowmobile motor, and the exhaust system shall not emit or produce a sharp popping or crackling sound.
2. Brakes adequate to control the movement of and to stop and hold the snowmobile under any conditions of operation.
3. A safety or so-called "deadman" throttle in operating condition, so that when pressure is removed from the accelerator or throttle, the motor is disengaged from the driving track.
4. At least one clear lamp attached to the front with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. Such head lamp shall be so aimed that glaring rays are not projected in to the eyes of an oncoming vehicle operator. It shall also be equipped with at least one red tail lamp having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during the hours of darkness under normal atmospheric conditions. The equipment shall be in operating condition when the vehicle is operated between the hours of one-half hour after sunset to one-half before sunrise or at times of reduced visibility.

5. Reflective material at least 16 square inches on each side, forward of the handlebars.

Section 27-905. PERSONS UNDER 18.

1. No person under 14 years of age shall operate on highways or make a direct crossing of a street or highway as the operator of a snowmobile. A person 14 years of age or older, but less than 18 years of age, may operate a snowmobile on highways as permitted under this ordinance and make a direct crossing of streets or highways only if he has in his immediate possession a valid snowmobile safety certificate issued by the Commissioner of Natural Resources as provided by Minnesota Statutes.
2. It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this section.

Section 27-906. LEAVING SNOWMOBILE UNATTENDED. Every person leaving a snowmobile in a public place shall lock the ignition, remove the key and take same with him.

Section 27-907. CHASING ANIMALS FORBIDDEN. It is unlawful to intentionally drive, chase, run over or kill any animal, wild or domestic, with a snowmobile.

Section 27-908. VIOLATIONS. Every person convicted of a violation of any of the provisions of this ordinance shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a period of not more than ninety (90) days, or both, but in either case the costs of prosecution may be added.

Section 27-909. SEVERABILITY. Should any section, subdivision, clause or other provision of this ordinance be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole, or of any part thereof, other than the part held to be invalid.